

Application No.3834 of 2021
in C.S.No.444 of 2017

N.ANAND VENKATESH., J.

This application has been filed to permit the applicant/plaintiff to mark photocopies of the Suit Document Nos.3, 6, 7 and 10 to 15. A counter affidavit has been filed by the respondents and the application has been opposed.

2.Heard the learned counsel for the plaintiff and the learned counsel appearing on behalf of the defendants.

3.Insofar as the Suit Document Nos.3, 6 and 7 are concerned, these documents are also relied upon by the respondents and it forms part of the list of documents filed by them. Therefore, there cannot be any objection in allowing the copy of the documents to be marked on the side of the applicant.

4.Insofar as the Suit Document Nos.10 to 15 are concerned, the applicant even in the plaint filed had specifically taken a stand that the original documents were destroyed due to the fire accident. Hence, the

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applicant has formulated the basis on which the secondary evidence
pertaining to these documents falls within the requirements under
Section 65 (c) of the Indian Evidence Act, 1872. Therefore, secondary
evidence relating to these documents can be permitted.

5.In view of the above, this application is allowed and the
applicant/plaintiff is allowed to mark the secondary evidence of Suit
Document Nos.3,6,7 and 10 to 15. It goes without saying that these
documents shall be marked subject to relevancy, admissibility and
proof.

10.11.2021

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